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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 160**

**The Packaging Waste (Data Reporting)  
(Scotland) Amendment Regulations 2023**

**Producers**

**5.** In regulation 8—

(a) for paragraph (2), substitute—

“(2) Unless paragraph (3A) applies, and subject to paragraph (2B), a brand owner is a producer in relation to—

- (a) filled packaging on which that person’s brand appears, and
- (b) any part of the packaging contained in, or forming part of, branded packaging, whether or not that part of the packaging is branded.”,

(b) after paragraph (2), insert—

“(2A) Subject to paragraph (2B), where more than one brand appears on filled packaging, the owner of the brand who makes the first supply of the filled packaging is to be treated as the brand owner and producer in relation to that packaging.

(2B) Where different individual branded products, unbranded products or both are grouped together to be sold as a single sales unit—

- (a) the brand owner for an individual branded product within the sales unit is a producer in relation to the branded packaging on that individual product,
- (b) the packer/filler is a producer in relation to any unbranded packaging within the sales unit which is filled by the packer/filler.”,

(c) after paragraph (3), insert—

“(3A) A packer/filler is also a producer—

- (a) where—
  - (i) the packer/filler has filled packaging,
  - (ii) the packer/filler has put a brand on the packaging to assist with distribution, not at the request of the brand owner, and
  - (iii) there is no other brand on the packaging,
- (b) for any packaging which the packer/filler adds to branded packaging otherwise than at the request of the brand owner.”,

(d) in paragraph (4)(b) for head (iii), substitute—

“(iii) where the brand owner is responsible for the import of the packaging, but is not a large producer under these Regulations,

(iv) where the brand owner is not established in the United Kingdom.”,

(e) after paragraph (4), insert—

“(4A) An importer is also a producer in relation to any packaging imported by the importer into, and discarded by them in, the United Kingdom.”.